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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
Takuji MATSUMOTO ET AL. : EXAMINER: OWENS, D.
SERIAL NO: 09/729,816 ✓ :
FILED: DECEMBER 6, 2000 : GROUP ART UNIT: 2811



FOR: SEMICONDUCTOR DEVICE AND
METHOD OF MANUFACTURING THE
SAME

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TECHNOLOGY CENTER 2800

PROVISIONAL ELECTION

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

In response to the Official Action mailed December 28, 2001, Applicants provisionally elect, with traverse, Group I, Claims 1-8 for further examination on the merits in the present application.

The Restriction Requirement indicates that Claims 1-10 are directed to a semiconductor device. However, Applicants note that only Claims 1-8 are directed to a semiconductor device, and Claims 9-14 are directed to a method of making a semiconductor device. It is for that reason the present Election indicates Claims 1-8 read on the elected invention.

Applicants respectfully traverse the Restriction requirement because the PTO has not carried forward its burden of proof to establish distinctness.

In particular, MPEP § 803 states: